



# *Muscogee (CREEK) Nation*

*Executive Office*

25 September 2020

Andrew Wheeler, Administrator  
Environmental Protection Agency  
Mail Code: 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Tribal Consultations with EPA

Administrator Wheeler:

The Muscogee (Creek) Nation (the "Nation") requests additional time of 120 days for government-to-government consultation with the U.S. Environmental Protection Agency ("EPA" or "Agency") to continue the important discussions regarding Oklahoma Governor Stitt's July 22, 2020, letter to the EPA seeking to activate section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA). Pub. L. No.109-59, § 10211(a), 119 Stat. 1144 (2005).

Although EPA officials have held meetings with various Tribal officials in recent weeks, there has not been enough time to fully and effectively outline the various legal and policy objections the Nation and other Tribes have with implementation of the SAFETEA and to discuss possible intergovernmental solutions consistent with having "meaningful" consultations with the Tribes. In keeping with the well-established principle of Indian self-governance, and by EPA policy, the Agency should view Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA should look directly to Tribal Governments to play this lead role for matters affecting human health and the environment on reservation lands.

The Nation understands that in the field of environmental regulation, problems are frequently shared and that the principle of partnership between equals and fellow citizens often

serves the best interests of all. Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be States, Tribes, or local units of government. Accordingly, the Nation requests that the EPA continue to encourage early communication and cooperation among Tribes, States and local governments on issues of tribal treaty rights. The Nation requests that the Agency continue to work with the Nation in developing programs and in preparing to assume regulatory and program management responsibilities for our Mvskoke Reservation lands in Oklahoma.

The Nation respectfully requests that the EPA take the suitable time to engage with our tribal leadership in a more expansive manner to appreciate the full impact this request from the State of Oklahoma on the SAFETEA, has and will continue to have on the tribal reservations in Oklahoma and their citizens. Thank you for your consideration of our concerns and requests outlined in this letter. We look forward to working with you to ensure that the sovereignty of our Nation is strengthened, protected, and preserved for future generations of Tribal citizens in Oklahoma.

Sincerely,

A handwritten signature in black ink that reads "David W Hill". The signature is written in a cursive, slightly informal style.

David W. Hill  
Principal Chief